

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**LARRY CECIL CABELKA,**

**Defendant.**

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**Civil Action No. 7:16-cv-00126-O-BP**

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. No objections were filed, and the Magistrate Judge's recommendation is ripe for review. The District Judge reviewed the proposed findings, conclusions, and recommendation for plain error. Finding none, the undersigned District Judge is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and they are accepted as the findings and conclusions of the Court.

Accordingly, it is **ORDERED** that the Price Defendants' Motion to Dismiss (ECF No. 179) is **GRANTED in part** to the extent it seeks dismissal under Rule 12(b)(1) and **DENIED in part as MOOT** to the extent it seeks dismissal under Rule 12(b)(6).

**SO ORDERED** on this **29th day of December, 2017**.

  
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Reed O'Connor  
UNITED STATES DISTRICT JUDGE